

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JAMES RUSSELL MILLER,)	
<i>Plaintiff</i>)	
)	
vs.)	Civil Action No. 3:14-cv-000427-HTW-LRA
)	
MANAGEMENT & TRAINING)	
CORPORATION, <i>et al.</i> ,)	
<i>Defendants</i>)	

DECLARATION OF H. RICHARD DAVIS, JR.

1. My name is Richard Davis. I am an attorney licensed to practice in the State of Mississippi and in good standing with the Mississippi Bar. I am one of the attorneys for the Defendant, Management & Training Corporation ("MTC").

2. I am one of the custodians of records for the law firm of Adams and Reese, LLP.
The summary of billing records that is attached to the itemization comes from records:

- a. Kept in our offices in the regular course of business;
- b. Prepared in the regular and ordinary course of business in the office by an employee or representative of the business;
- c. Made by a person who had or has personal knowledge of the act, event, or condition recorded to make the record;
- d. Made by a person who had authority to transmit information thereof to be included in such memorandum or record;
- e. Made at or near the time of the act, event, or condition recorded or reasonably soon thereafter in a timely manner;
- f. Relied upon by this office for its regular operation; and
- g. Made as part of the business duty of this office.

This summary is an exact duplicate of billing records kept in our office, and it is the policy of Adams and Reese, LLP to leave original business records in the office.

3. The fees charged for legal services in this matter are reasonable. They are based upon an hourly rate of \$250.00 per hour for partner (R. Jarrad Garner) and \$190.00 per hour for associates/staff attorney (Benjamin B. Morgan, Lindsey O. Watson, H. Richard Davis, Jr.). Mr. Garner was admitted to the Mississippi Bar in 1999 and has practiced law for nearly 19 years. Mr. Morgan was admitted to the Mississippi Bar in 2010 and has practiced law for nearly 8 years. Ms. Watson was admitted to the Mississippi Bar in 2009, and has practiced law for nearly 9 years. After graduation from law school, Ms. Watson served for one year as a judicial clerk to Hon. Leslie H. Southwick at the U.S. Court of Appeals for the Fifth Circuit. Mr. Davis was admitted to the Mississippi Bar in 2011 and has practiced law for nearly 7 years. The rates charged in this matter are comparable to or lower than the rates for similar services offered in the metro Jackson area. As a result of this firm's engaging in this action and defending MTC in this lawsuit, it lost other employment and/or compensation to which it might otherwise have been entitled.

4. The following is a breakdown of the timekeepers on behalf of Management & Training Corporation:

Name	Position	Hours	Rate	Total
R. Jarrad Garner	Partner	620.1	\$250.00/hr	\$155,061.00
Benjamin B. Morgan	Associate	271.9	\$190.00/hr	\$51,661.00
Lindsey O. Watson	Associate ¹	45.8	\$190.00/hr	\$8,702.00
H. Richard Davis, Jr.	Staff Attorney	203.8	\$190.00/hr	\$38,722.00
Michele Berry	Paralegal	12.5	\$120.00/hr	\$1,500.00
Virginia Cockayne	Paralegal	10.0	\$120.00/hr	\$1,200.00
		1,164.1		\$256,846.00

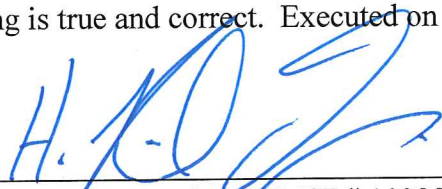
¹ Ms. Watson was an Associate for all billing entries. Her position at the time of filing is Special Counsel.

5. After reviewing the billing records, I concluded that the attorneys' fees should be broken down as follows:

Matter	Number of Hours	Fees
Initial Complaint	101.5	\$23,125.00
Setting/Litigating Depositions	26.6	\$5,960
Epps Deposition	41.5	\$9,195.00
Motions to Continue ²	464.4	\$100,356.00
Motion to Strike	23.9	\$4,955.00
Appeal	65.7	\$13,713.00
Attorneys' Fees	65.6	\$13,040.00

MTC expended a total of 324.8 hours in matters directly attributable to Plaintiff's counsel's multiplication of the proceedings. This would be \$69,988.00 in fees. Each of those matters is set forth in sufficient detail in the accompanying memorandum of authorities. If the Court believes that all proceedings after the motion for continuance should be included, it should determine that MTC expended 634 hours of time. This would be \$138,636.00 in legal fees.

6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 7, 2018.



H. Richard Davis, Jr. (MSB# 103983)

² If the Court grants this portion of relief against Miller's attorneys, it should exclude the subsequent categories since they would be duplicative.